the criminal injuries compensation board - manitoba
333 maryland street - winnipeg r3g 1m2 telephone 775-7821

June 25, 1983

Honourable Roland Penner, Q.C.,
Attorney-General,
104 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Sir:

In accordance with Section 27.1 of The Criminal Injuries Compensation Act (Chapter C305 R.S.M. 1970), The Criminal Injuries Compensation Board submits its report on the administration of the Act.

This Annual Report covers the 12-month fiscal period from April 1, 1982 to March 31, 1983.

Respectfully submitted,

Asuncion Arrojado
Chairperson

T. Donald Bulloch
Commissioner

Allan A. Fleury
Commissioner

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Introduction

The Criminal Injuries Compensation Act was passed on July 16, 1970 and provides that injured victims of crime, or their dependents, be eligible for benefits in an amount similar to compensation paid to workers under The Workers Compensation Act. The intent of the Act was to ensure that any innocent victim of crime, or any person injured as a result of assisting a Peace Officer, should not be placed in a position of undue financial hardship.

At that time, the administrative system already in place for Workers Compensation appeared to be the most appropriate system for addressing the needs of processing Criminal Injuries Compensation claims. Therefore, in 1971 The Workers Compensation Board was designated to act on behalf of the Attorney-General's Department in administering The Criminal Injuries Compensation Act.

Funding for Criminal Injuries Compensation comes from the Consolidated Fund of the Province of Manitoba through the offices of the Attorney-General, and The Workers Compensation Board is reimbursed an administrative fee to provide services.

This Annual Report reviews general information about Criminal Injuries Compensation. As well, departmental information, relevant statistical tables and graphs, and a statement of claims expenditures is provided.

Highlights

- In July 1982, a new full-time Chairperson and two new full-time Commissioners were appointed to The Workers Compensation Board and, therefore, also assumed duties related to The Criminal Injuries Compensation Board.

- With the appointment of a new Board of Commissioners, a review of operations, including a study of Criminal Injuries Compensation Schemes, has taken place.

- New information brochures have been developed and these have been distributed to police divisions, social agencies, hospitals, and are distributed on request to any other interested groups or individuals.

- An attempt has been made to increase public awareness regarding Criminal Injuries Compensation through public speaking engagements. These efforts, as well as working in co-operation with the Victim/Witness Assistance Program, the Rape Crisis Centre, the Manitoba Committee on Wife Abuse and other social agencies, have shown a steady increase in claims received. The increase in each of the past two calendar years has been 20% per year.

- Manitoba will be hosting The Ninth Biennial Conference of the International Association of Crime Victim Compensation Boards in May, 1983. This forum will provide for a comparison of legislative statutes as well as an interchange of ideas, methods and experiences in dealing with and administering claims by victims of crime.

General Information

Claims for assistance are made directly to The Criminal Injuries Compensation Board. Any person who is an innocent victim of crime and sustains an injury, or anyone who is injured or killed while attempting to arrest any person, preserve the peace or assist a Peace Officer, may file a claim. This is also applicable to any person who is the surviving spouse, parent, child or dependent of such a victim. The crime must be of the

type listed in Schedule I attached to The Act. A copy of Schedule I is provided on Page 15.

Under The Criminal Injuries Compensation Act, a report must be made by the injured victim to the police within a reasonable time, and a victim is expected to co-operate with the police in apprehension of the offender. A person responsible for the crime or an accomplice to the crime is not eligible to receive an award.

The Act requires that the claim be filed within two years of the injury or death, but this may be extended under certain circumstances as determined by the Board.

Two of the pre-requisites in making a claim are that a crime within the schedule of crimes listed in the Act was committed (or peace preserving assistance took place), and that such event directly results in injury or death of the victim. Where there is another form of legislation covering the claim (e.g. The Highway Traffic Act), that legislation overrides The Criminal Injuries Compensation Act. The Act stipulates that a claim for benefits of under $150.00 will not be considered.

Benefits available to injured victims of crime, or their dependents in case of fatality, include 75% of wages up to the legislated maximum under The Workers Compensation Act. Unemployed victims are entitled to receive 75% of a 40 hour week at the current minimum wage in Manitoba. In addition, monies are available to cover expenses related to clothing, prescription drugs, broken eyeglasses, artificial limbs and dental expenses provided the claim is for over $150.00. Assistance toward funeral expenses is also available. Generally, compensation will not be paid for jewelry or other similar property on the person of the victim. Under the Act in Manitoba, payment is not made for pain and suffering.

Any benefits paid will be reduced by the amount of any other payments through private insurance policies, Canada Pension Plan, Workers Compensation benefits, restitution, etc.

Appropriate rehabilitation services are available to victims.

There is no cost to a victim in the filing and processing of claims. Once the claim has been filed, The Criminal Injuries Compensation Board gathers all necessary documentation to process the claim, and the decision is forwarded directly to the claimant. An appeal process is available if the claimant is not satisfied with the Board's decision, and the information regarding this is provided to the claimant when they are notified of the Board's decision.

In Manitoba there are no residence exclusions in claiming for Criminal Injuries Compensation. The crime must have occurred within the boundaries of the Province of Manitoba, but the victim does not have to be a Manitoba resident.

Departmental Information

The Criminal Injuries Compensation Board staff presently consists of a Registrar (who oversees Board operations on a part-time basis), a full-time Assistant Registrar responsible for day-to-day operations, and a secretary who provides support services.

The Board of Commissioners establishes policies and criteria for the operations of the Criminal Injuries Compensation Board, and claims are processed through the appropriate departments of The Workers Compensation Board.

The following services are provided by departments of The Workers Compensation Board:

- Financial records are kept by the Accounting Department, and all cheques are issued through this Department.
- The Claims Services Department processes criminal injuries claim files by calculating benefits for time loss, medical costs and general expenses.
- Advice and guidance regarding disability periods is provided by the Medical Services Department. As well, medical examinations may be conducted through the Medical Services Department when required.
- The Rehabilitation Services Department makes available the same services to crime victims as would be provided to workers under The Workers Compensation Act. These services include counselling, evaluation and job assessment.

the criminal injuries compensation board — manitoba

Statement of Expenditures

for the year ended March 31, 1983

(with comparable figures for the previous year)

	1983	1982
(1) Temporary disability benefits	$343,931	$248,716
(2) Permanent disability and fatal pensions*	371,579	299,486
(3) Miscellaneous costs (expenses, clothing, funerals, etc.)	70,656	52,513
(4) Rehabilitation — cash benefits	14,401	5,285
TOTAL BENEFITS PAID	$800,567	$606,000
Administration charges (based on 10% of awards)**	78,393	115,803
TOTAL EXPENDITURES	$878,960	$721,803
Civil action restitution refunded to Minister of Finance	300	—
	$879,260	$721,803
Less: Interest earned on bank account	1,832	2,868
Restitution	300	—
NET EXPENDITURES	$877,128	$718,935

**As of March 31, 1983, there were 37 permanent disability pensions and 34 fatal pensions being paid. These pensions are not simply related to claims made this year; they relate back to the inception of the Criminal Injuries Compensation Board.*

***Value of awards is comprised of benefits (1), (3), (4) and the capital value of pensions awarded.*

Note: The costs, including benefits and administration, are paid from advances from the Consolidated Fund of the Province.

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Introduction To The Statistical Section

TABLE I records the disposition of claims for the period April 1, 1982 to March 31, 1983 with comparative statistics for the previous period. Twelve of the claims approved were for fatalities. There were 85 claims carried over from the previous year. In general terms these were held pending police investigation or further medical documentation, and that is the reason for the substantial increase in claims under consideration.

TABLE II documents the types of claims approved. Schedule I is included as part of this Annual Report, and this illustrates the types of crimes that may be claimed for under Criminal Injuries Compensation. It is important to remember that there is also entitlement for injury or death resulting from attempting to arrest any person, preserve the peace, or assist a Peace Officer.

TABLE III is an analysis of claims benefits paid for the years 1974 to 1983. This specifies temporary and permanent disability payments as well as miscellaneous costs. Also shown are rehabilitation cash benefits.

TABLE IV records the number of claims processed for the years 1974 to 1983.

FIGURE I illustrates the ages of victims for which claims were filed. There is an extreme range of ages in victims of crime, and it is interesting to note that the greatest number of victims are in the 21-25 year age group.

FIGURE II compares the employment status of victims. The higher incidence of unemployed victims is not reflective of the thought that unemployed people are more prone to crime. Instead, it is recognized that employed persons generally would have sick leave plans or health benefit plans which would cover costs that are being claimed by unemployed victims.

FIGURE III compares the sex of the victims for which criminal injuries claims were filed.

FIGURE IV illustrates the crime occurrence area of the province. Winnipeg has the highest crime rate in the province, however, this could reasonably be due to the fact that over one-half of the total provincial population resides in the City of Winnipeg.

TABLE I

Disposition of Claims

for the period April 1, 1982 to March 31, 1983

(with comparative statistics for the previous period)

	1982/1983	1981/1982
Approved	166*	125
Refused	64	50
Under consideration	103**	85
Withdrawn	—	4
Not pursued by applicant	17	17
Referred to The Workers Compensation Board	2	1
	352	282

**Twelve of the approved claims were fatalities.*

***Of this number, 85 claims were carried over from the previous year. (Many claims are held pending police investigation or further medical documentation, and this is generally why claims would be carried over from one period to another.)*

Approved Claims

TABLE II

for the period April 1, 1982 to March 31, 1983

(with comparative statistics for the previous period)

Under Schedule I:	1982/1983	1981/1982
Dangerous use of firearm	1	1
Rape	8	1
Attempted rape	1	1
Murder	9	8
Manslaughter	2	0
Attempted murder	33	28
Causing bodily harm with intent	4	6
Common assault; causing bodily harm	77	65
Robbery	26	14
Arson	2	1
	163	125
Assisting a Peace Officer	3	0
TOTAL	166	125

Note: **For a historical overview, please see Page 12.**

TABLE III

Claims Benefits Paid

for the years 1974 to 1983

Year	Temporary Disability	Permanent Disability	Miscellaneous Costs*	Rehabilitation Cash Benefits**	Total
1982-1983	$343,931	$371,579	$70,656	$14,401	$800,567
1981-1982	$248,716	$299,486	$52,513	$ 5,285	$606,000
1980-1981	$140,754	$259,038	$47,604	$ 1,113	$448,509
1979-1980	$148,267	$243,275	$29,644	$ 200	$421,386
1978-1979	$177,140	$175,676	$27,199	$ 2,280	$382,295
1977-1978	$180,264	$156,615	$26,931	$ 5,415	$369,225
1976-1977	$185,263	$104,654	$22,031	$ 1,194	$313,142
1975-1976	$130,806	$ 77,516	$24,478	$ 1,782	$234,582
1974-1975	$140,248	$ 77,263	$22,651	$ 250	$240,412

**Miscellaneous Costs — expenses, clothing, funeral expenses, etc.*

***The indirect costs of rehabilitation such as counselling and job placement are covered in the administration charges. These are explained in the Statement of Expenditures.*

Number of Claims Processed

TABLE IV

for the years 1974 to 1983

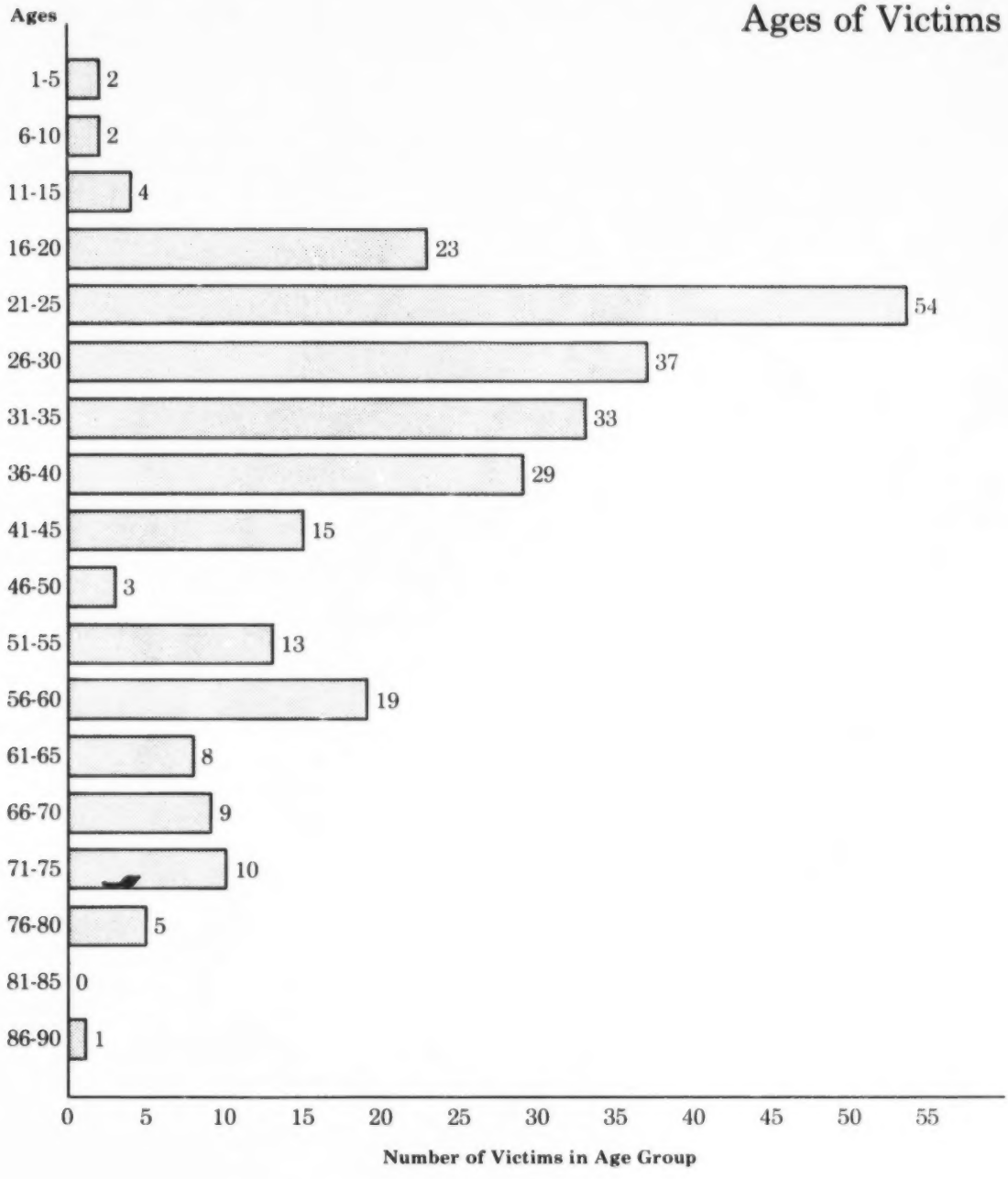
Year	Approved	Refused	Referred to Workers Compensation Board
1982-1983	166	64	2
1981-1982	125	50	1
1980-1981	119	50	6
1979-1980	79	37	1
1978-1979	89	36	0
1977-1978	90	56	6
1976-1977	81	46	3
1975-1976	92	67	0
1974-1975	90	76	0

FIGURE I

Claims Filed *

during the period April 1, 1982 to March 31, 1983

(based on information filed initially)



**Some of the claims filed initially were withdrawn by claimants.*

FIGURE II

Claims Filed *

during the period April 1, 1982 to March 31, 1983

(based on information filed initially)

Employment Status of Victims

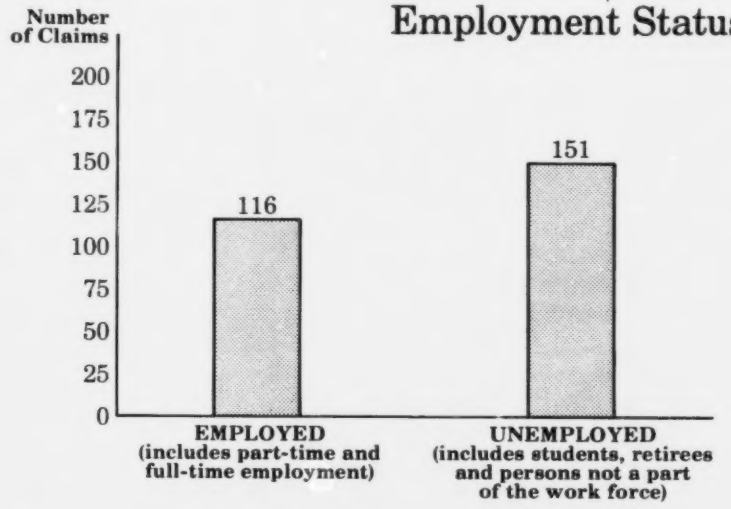
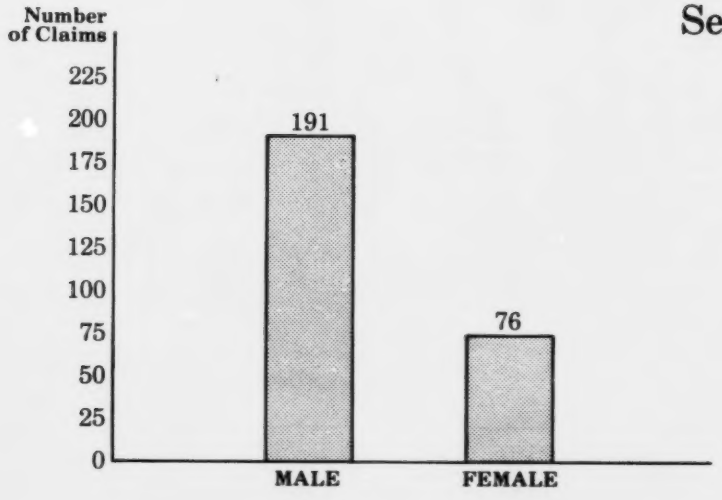


FIGURE III

Sex of Victims



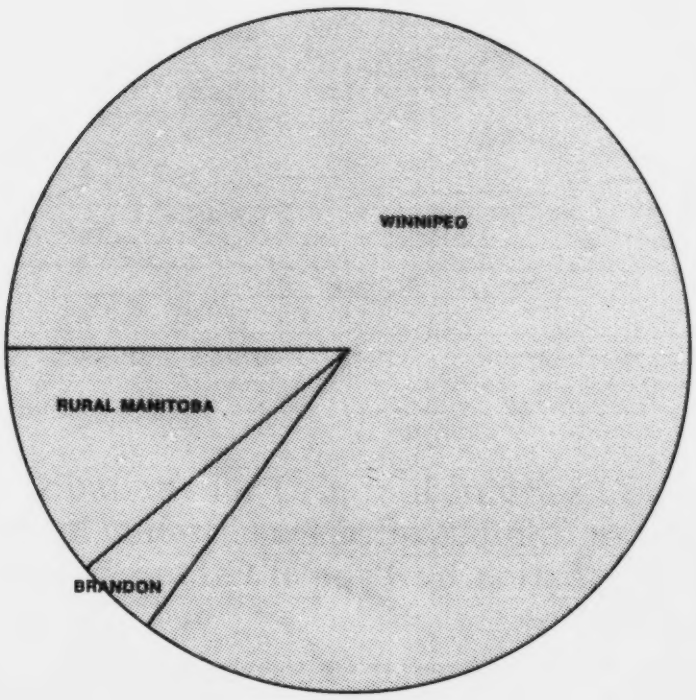
**Some of the claims filed initially were withdrawn by claimants.*

FIGURE IV

Claims Filed *

during the period April 1, 1982 to March 31, 1983
(based on information filed initially)

Crime Occurrence Area of Province

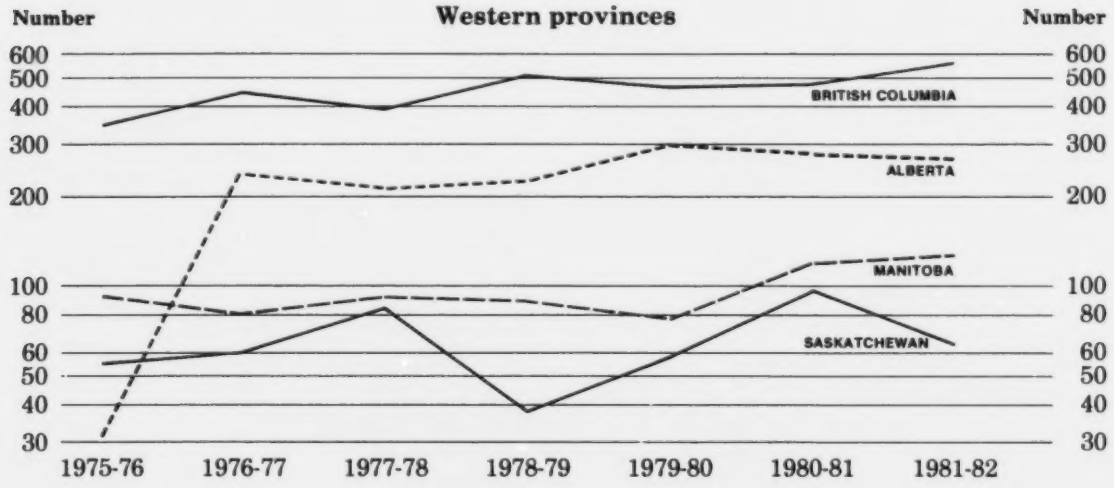


Winnipeg = 85% (227 claims)
Rural Manitoba = 11% (30 claims)
Brandon = 4% (10 claims)

**Some of the claims filed initially were withdrawn by claimants.*

Government of Canada Historical Statistics on Criminal Injuries

Total Number of Criminal Injuries Compensation Awards Ordered



Number of Cases Compensated for Criminal Injuries, and Percentage Distribution by Type of Offence, for Manitoba, 1975-76 to 1981-82

Year	Total	Grounds for Compensation								
		Victim of Compensable Offence								
		Homicide	Attempted murder	Sexual offences	Assault (not indecent)	Robbery/ Breaking and entering	Offensive weapons	Other criminal offences (A)	Injured while making an arrest (B)	Injured while preventing an offence (C)
	number	percentage (total = 100.0%)								
1975-76	96	1.0	13.4	5.2	48.4	20.6	5.2	3.1	3.1	—
1976-77	86	—	9.3	5.8	47.7	24.4	9.3	2.3	1.2	—
1977-78	100	4.0	7.0	5.0	52.0	18.0	12.0	2.0	—	—
1978-79	232	10.3	9.0	3.9	57.8	10.3	6.5	1.7	0.4	—
1979-80	231	13.0	8.2	4.8	57.6	8.2	6.1	1.7	0.4	—
1980-81	282	15.6	14.2	2.5	56.0	6.0	3.9	1.4	0.4	—
1981-82	304	11.8	17.1	1.6	55.9	8.9	3.6	0.7	0.3	—

(A) *Includes other criminal code offences and offences under other federal statutes.*
(B) *Lawfully arresting or attempting to arrest an offender or assist a Peace Officer.*
(C) *Lawfully preventing or attempting to prevent the commission of crime.*

Source: Social security provincial programs, **Criminal injuries compensation 1983**
Published under the authority of the Minister of Supply and Services Canada, Statistics Canada, Ottawa, Ontario, May 1983.

Criminal Injuries Compensation in Relation to Total Population, for Manitoba, 1975-76 to 1981-82

Year	Amount of compensation paid	In relation to population	
		Total population	Cost per capita
	1 dollars	2 thousands	3=1÷2 dollars
1975-76	234,579	1,019	0.23
1976-77	313,142	1,022	0.31
1977-78	369,225	1,031	0.36
1978-79	382,295	1,032	0.37
1979-80	418,625	1,030	0.41
1980-81	369,731	1,028	0.36
1981-82	606,000	1,026	0.59

Federal Contributions for Criminal Injuries Compensation, Related to Total Compensation Paid, for Manitoba, 1975-76 to 1981-82

Year	Federal contribution	Related to compensation paid	
		Amount of compensation paid	Federal contribution as a percentage of compensation
	1 dollars	2 dollars	3=1÷2 per cent
1975-76	50,950	234,579	21.7
1976-77	51,400	313,142	16.4
1977-78	103,130	369,225	27.9
1978-79	103,240	382,295	27.0
1979-80	103,050	418,625	24.6
1980-81	102,830	369,731	27.8
1981-82	102,624	606,000	16.9

Source: Social security provincial programs, **Criminal injuries compensation 1983** Published under the authority of the Minister of Supply and Services Canada, Statistics Canada, Ottawa, Ontario, May 1983.

Most Frequent Reasons for Non-Acceptance of Claims

	1982/1983	1981/1982
SECTION 6(2)(a)		
"Except as may be otherwise permitted by this Act, the board shall not make an order for compensation where the application for compensation is made after the expiration of 2 years from the date of the injury or death, as the case may be."	3	2
SECTION 6(2)(b)		
"Except as may be otherwise permitted by this Act, the board shall not make an order for compensation where the crime of violence giving rise to the claim was not reported within a reasonable time after the happening thereof to the proper law enforcement officers, or, if reported, the claimant did not render the assistance in the apprehension of the offender as he might reasonably be expected."	12	8
SECTION 11(1)		
"The board, in making or in declining to make an order for the payment of compensation, shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the board shall consider and take into account the character of the applicant and any behaviour that directly or indirectly contributed to the injury or death of the victim."	9	12
SECTION 12(3)(c)		
"The board shall not make an order for the payment of compensation . . . where the amount of compensation to be awarded is less than one hundred and fifty dollars . . ."	22	12
SCHEDULE 1		
No evidence of a crime under the Schedule of Crimes under The Act.	18	16
	64	50

Schedule 1

Section of Criminal Code	Description of Offence
66	taking part in a riot
76.1	hijacking of aircraft
76.2	endangering safety of aircraft in flight
76.3	taking on board a civilian aircraft offensive weapons and explosive substances
78	failure to take reasonable care in relation to explosives where death or bodily harm results
79	causing explosion with intent to do bodily harm or endanger life
86	dangerous use of firearm
144	rape
145	attempted rape
146	sexual intercourse with female under fourteen
149	indecent assault on female
156	indecent assault on male
176	common nuisance causing harm
197	failure to provide necessaries
200	abandoning child and endangering its life
201	causing bodily harm to servant [para. (a)]
203	causing death by criminal negligence
204	causing bodily harm by criminal negligence
218	murder
219	manslaughter
222	attempted murder
228	causing bodily harm with intent
229	administering poison
230	overcoming resistance to commission of offence
231	setting traps with intent to cause death or bodily harm
232	interfering with transportation facilities with intent to endanger safety to any person
240	dangerous operation of vessel [ss (1) and (4)]
241	impeding attempt to save life
245	common assault: causing bodily harm
246	assault with intent to commit indictable offence: assault on persons enforcing
247	kidnapping: illegal confinement
251(1)	procuring miscarriage
303	robbery
381	intimidation by violence [ss (1) para. (a)]
387(2)	mischief causing actual danger to life
389	arson
392	causing fire resulting in loss of life
393	false fire alarm

Victim/Witness Assistance Program

The Victim/Witness Assistance Program is not a part of the Criminal Injuries Compensation Board, however, this is a support program and public awareness of this service is important. It is for this reason that information has been included in the Criminal Injuries Compensation Board Annual Report.

The purpose of the Victim/Witness Assistance Program is to provide a support service to people who have become the victim of a crime or those who are innocently involved in the criminal justice system.

In the City of Winnipeg this program is separated into two areas — victim assistance and witness assistance — however, both areas work in co-operation for the total program.

Victim Services are provided by the Winnipeg Police Department and the type of assistance provided includes:

1. Information regarding the progress of the case investigation and the recovery and return of any stolen property.
2. Assistance in understanding the procedures and practices of the Criminal Justice System.
3. Referral to the appropriate community agency for counselling services, legal advice, health care, etc., as required.
4. Referral to the Criminal Injuries Compensation Board for victims injured as the result of a crime.
5. Emotional and moral support will be provided throughout the case. This is especially important for victims of violent crimes.

Witness Services are provided through a reception centre located on the third floor of the Provincial Judges Court at 373 Broadway Avenue. The Reception centre is staffed by a number of volunteers who have been familiarized with the criminal justice system.

It is the responsibility of staff to promptly notify crown witnesses of cancellations and to inform witnesses of cancellations and also to issue witnesses with a fee voucher so that they may receive witness fees immediately after testifying. Witnesses attending at the reception center will be advised who the crown attorney is and will receive answers to any questions they may have.

Crown witnesses also wait in the reception center before being called which means they no longer have to sit in the same room with the accused or defence lawyer. After giving evidence, they may remain, if they wish, with other spectators.

Interpretation services are provided when needed and referrals are made to The Criminal Injuries Compensation Board when appropriate.

It is hoped that this Program will be operational at four rural Manitoba locations within the next year.

The Victim/Witness Assistance Program is jointly funded by the Federal Department of Justice, the Attorney-General of Manitoba, and Age and Opportunity Centre, Inc.